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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,820	09/30/2003	Eran Steinberg	FN-104E-US	3065
72104 FotoNation IP Dept. 800 Airport Blvd. Suite 522 Burlingame, CA 94010	7550 04/16/2008		<div>EXAMINER</div> <div>LEE, JOHN W</div>	
			<div>ART UNIT</div> <div>2624</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>04/16/2008</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/676,820

Applicant(s)

STEINBERG ET AL.

Examiner

JOHN Wahnkyo LEE

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 4-6 and 11-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The response received on 6 February 2008 has been placed in the file and was considered by the examiner. An action on the merits follows.

Response to Amendment

2. The applicant's amendments filed on 9 January 2008 have been fully considered.

Restriction Requirement

The examiner does not agree with the applicant that the restriction was improper. Moreover, the applicant elected species IV **without** traverse in the response to election/restriction on 3 July 2007. Therefore, the examiner will review the claims based on elected Species IV for the ongoing prosecution. If there is at least one claim that recites or specifies a subject matter distinct from and independent of the elected species IV, the examiner will not review that as being directed to a non-elected invention based on 37 CFR 1.142(b) and MPEP § 821.03.

The 35 U.S.C. § 112 Rejection

Applicant's arguments to the rejection under 35 U.S.C. § 112 with respect to claim 1 has been fully considered and are persuasive by the applicant amending the claim. The rejection under 35 U.S.C. § 112 with respect to claim 1 is hereby withdrawn

Response to Arguments

3. Applicant's arguments with respect to claims 1-3 and 7-10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3 rejected under 35 U.S.C. 102(e) as being anticipated by Robins et al. (WO 03/019473).

Regarding claim 1, Robins discloses a method of automatically determining a need to service a digital image acquisition system including a digital camera with a lens assembly (Fig. 1; abstract; page 15, "digital camera") comprising: (a) determining a probability that pixels within one or more acquired digital images correspond to blemish artifacts (Fig. 3; page 16, "... threshold ... defect map ..."; Fig. 9B; page 17, "Gaussian approximation ...") (b) analyzing pixels within one ore or more acquired digital images according to the probability determinations to determine whether a threshold distribution of blemish artifacts is present within one or more of said digital images (Fig. 9B; page 17, "Gaussian approximation ..."); (c) indicating a need for service when at least said threshold distribution is determined to be present (Figs. 10 and 12; page 15, "identifying the defects ..."; page 18, "dust mark tool ... defect map").

Regarding claim 2, Robins discloses wherein said one or more acquired images comprising one or more calibration images (Fig. 1; page 9, "... means for acquiring a digital image ...").

Regarding claim 3, Robins discloses said threshold distribution being determined based upon an analysis of the ability of an automatic blemish correction module of said digital image acquisition system to reasonably correct such blemishes within said images (pages 17-18, "... correction ...").

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robins et al. (WO 03/019473) in view of Kitawaki et al. (US 2002/0093577).

Regarding claim 7, Robins discloses all the previous claim limitations except the one specified in claim 7. However, Kitawaki discloses wherein said one or more acquired images are acquired with specific acquisition setting comprising one or more of aperture, shutter speed, sensitivity, and subject matter (paragraph [0012], "magnification of the imaging lens" and "f-stop number"; Fig. 4; paragraphs [0035], "focal length", "f-stop number").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Kitawaki's invention in Robins's invention to detect and removal defects for a better quality of image as suggested by Robin (page 1).

Regarding claim 8, Kitawaki further discloses, wherein said specific acquisition settings being automatically determined in a specific calibration mode on said digital image acquisition system (paragraph [0012], "magnification of the imaging lens" and "f-stop number"; Fig. 4; paragraphs [0035], "focal length", "f-stop number").

Regarding claim 10, Kitawaki further discloses wherein said analyzing being based on defined in relations with change of lenses (paragraph [0012], "magnification of the imaging lens" and "f-stop number"; Fig. 4; paragraphs [0035], "focal length", "f-stop number").

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robins et al. (WO 03/019473) in view of Anderson (US 6,002,436).

Regarding claim 9, Robins discloses all the previous claim limitations except the claim limitation specified in claim 9. However, Anderson discloses analyzing being based on defined time interval since last said analyzing (col. 3, lines 8-17, "timelapse sequence" and "time interval").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Anderson's invention in Robins's invention to provide a automatic timelapse capture as suggested by Anderson (col. 1, lines 56-58).

Conclusion

9. No claims are allowed.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN Wahnkyo LEE whose telephone number is (571)272-9554. The examiner can normally be reached on Monday - Friday (Alt.) 7:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Wahnkyo Lee/
Examiner, Art Unit 2624

/Jingge Wu/
Supervisory Patent Examiner, Art Unit 2624